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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,886	01/18/2002	Seemant Choudhary	064731.0263	1721
5073	7590	06/15/2006	EXAMINER	
BAKER BOTTS L.L.P.			BELLO, AGUSTIN	
2001 ROSS AVENUE			ART UNIT	
SUITE 600			PAPER NUMBER	
DALLAS, TX 75201-2980			2613	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,886

Applicant(s)

CHOUDHARY ET AL.

Examiner

Agustin Bello

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 20-36, 51 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19, 37-50 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Election/Restrictions

2. Claims 1-11, 20-36, 51, and 53-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/05.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12-19, 37-39, 40-43, 45, and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Noe et al in the article “Comparison of Polarization Handling Methods in Coherent Optical Systems.”

Regarding claims 12 and 37, Noe teaches generating a polarized local signal based on receiver-side feedback (“LO” in Figure 9); combining an ingress traffic signal with the polarized local signal to generate a combined signal (“PMC” in Figure 9); splitting the combined signal into a first split signal and second split signal (“PBS” in Figure 9); detecting the first split signal (upper “FE” in Figure 9); and detecting the second split signal (lower “FE” in claim 9).

Regarding claims 13 and 38, Noe inherently teaches that the ingress traffic signal is compensated for polarization mode dispersion (see Figures 10-13).

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Regarding claim 14 and 40, Noe teaches that the polarization can be circular polarization (page 1355 paragraph 5 and 6).

Regarding claims 15 and 41, Noe teaches that the first split signal comprises a first component of the received signal (inherent in Figure 9).

Regarding claim 16 and 42, Noe teaches that the second split signal comprises a second component of the received signal (inherent in Figure 9).

Regarding claims 17 and 43, Noe teaches that the ingress traffic is optical (inherent).

Regarding claim 18, Noe teaches that the combined signal is split by a polarization beam splitter ("PBS" in Figure 9).

Regarding claims 19 and 49, Noe inherently teaches that the polarization of a first component of the ingress traffic signal is aligned to an axis of the polarization beam splitter (inherently in that separation takes place in Figure 9).

Regarding claim 39, Noe teaches that the signal is received by an automatic polarization controller (e.g. the right half of Figure 9).

Regarding claim 45, Noe teaches that the local signal means can yield circularly polarized light (inherent in tracking all forms of polarized signals).

Regarding claim 50, Noe inherently teaches that the detecting means is a photodiode (inherent in the detection of optical signals).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44, 46-48 and 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noe.

Regarding claim 44, Noe differs from the claimed invention in that Noe fails to specifically teach that a continuous wave laser provides the local signal. However, the use of continuous wave lasers as local signals is well known in the art and would have been obvious to one skilled in the art at the time the invention was made.

Regarding claim 46, Noe differs from the claimed invention in that Noe fails to specifically teach that a quarter-wave plate controls the polarization of the system. However, the use of quarter-wave plates to control polarization is well known in the art. One skilled in the art would have been motivated to use a quarter-wave plate control the polarization of the system since they are readily available and relatively inexpensive. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to employ a quarter-wave plate as the polarization controllers of the system of Noe.

Regarding claims 47-48, Noe differs from the claimed invention in that Noe fails to specifically teach that the combiner is a half-mirror or a 3dB splitter. However, both types of combiners are well known in the art and readily available. One skilled in the art would have been motivated to employ wither one in order to meet a design requirement or to use what was available at the time. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to employ either a half-mirror or a 3dB splitter in the system of Noe.

Claim 52 recites a combination of individually rejected elements and is therefore rejected on the same grounds as stated above.

Response to Arguments

7. Applicant's arguments with respect to the elected claims have been considered but are moot in view of the new ground(s) of rejection.

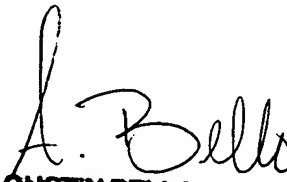
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


AGUSTIN BELLO
PRIMARY EXAMINER